

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR, et al.,)
Plaintiffs,)
v.) C.A. No. 00-105L
THE PALESTINIAN AUTHORITY, et al.,)
Defendants.)

)

NOTICE TO THE COURT

In March 2008, Defendants notified the Court that the Palestinian Authority (PA) and the Palestine Liberation Organization (PLO), had settled on a judgment against them in *Buchheit v. PLO*, No. 00-cv-1455 (GK) (D.D.C.). Through counsel it was represented that the judgment proceeds would be transmitted to accounts per Mr. Buchheit's counsel's instructions by May 2, 2008. After an agreement in principle was reached, Defendants, through counsel, recognized the possibility that payment of the *Buchheit* judgment could be affected by the extant nationwide injunction in *Ungar v. The Palestinian Authority*, No. 00-cv-105 L (D.R.I.), DE 322. Defendants accordingly filed a motion to clarify the *Ungar* injunction to ensure that the payment of the *Buchheit* judgment would not be affected. In response, on April 7, 2008, the United States District Court for the District of Rhode Island entered an order in the *Ungar* case, which in effect provided the proceeds to be wire transferred for satisfaction in the *Buchheit* case would not be subject to its injunction against the dissipation of U.S. based assets of the Defendants. *See Ungar* DE 433.

After receipt of the clarification order in *Ungar*, Defendants, through counsel, then took a number of steps designed to ensure that the relevant participants in the banking channels were made aware of the order permitting the transfer. The transfer process began on April 30, 2008 with a wire transfer of amounts totaling the *Buchheit* judgment for deposit in accounts in United States banks. As of this date, even though the amounts involved were transferred into the banking channels, they have not been credited to the *Buchheit*-designated accounts. The Bank of New York is the clearing facility for the international transfers into the United States. It has uncovered a discrepancy in field instruction numbers deemed essential for a transfer to be completed. The discrepancy has been traced back to the transfer facility of a certain Swiss bank. That bank has not resolved the discrepancy, despite the fact it has been tasked to do so.

This is not the fault of the PA or the PLO, and has occurred despite their continuing efforts to complete payment of the *Buchheit* judgment. Their counsel have been in constant contact with the Bank of New York's outside counsel. He has assured counsel for Defendants of his client's continuing effort to resolve the matter. The efforts on the part of all counsel are daily and continuing. In addition, representatives of the PA and the PLO in the Middle East have also endeavored to unravel the problem. Thus, at both ends of the transfer spectrum and along its path, efforts are underway to accomplish payment in fact to Mr. *Buchheit*'s designated payees.

Once it had been determined there was a problem with timely payment, Mr. *Buchheit*'s counsel, a designated payee of some of the funds comprising the judgment, was apprised and has been kept informed of developments and the efforts underway to cure

the situation. He has spoken not only to the undersigned but also to counsel for the Bank of New York. His frustration has been repeatedly expressed to all parties.

We will report material new developments in due course.

Respectfully Submitted,

Dated May 22, 2008

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 22nd day of May 2008, a true and genuine copy of the foregoing was filed by ECF, which will automatically send notification and a copy of such filing to:

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and mailed to the following counsel of record:

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